

■ **What if I have HIV and am having trouble conceiving a child—can I have fertility treatment or use assisted reproductive technology?**

Generally, yes. Women with HIV can't be denied medical care, including fertility treatment or access to assisted reproduction, just because they have HIV. For men with HIV, the answer is generally the same, though it may depend on what kind of treatment you're seeking. For both men and women, if there are other medical reasons related to your HIV that make these kinds of treatments inadvisable, the answer may change.

■ **What do I do if I think I'm being discriminated against because I have HIV and I'm pregnant, or want to become pregnant?**

Contact your nearest AIDS service organization. Or contact the ACLU AIDS Project in New York or another legal organization that advocates for people with HIV and AIDS. Folks there will try to help. You can reach us at (212) 549-2627, or lgbthiv@aclu.org.

HOW TO GET HELP

If you need more information or need to get help because your rights are being violated:

- Ask your nearest AIDS service organization. They may know where to get help.
- Look in the phone book under "AIDS," or search the Internet for "AIDS legal" and see if you can find a local agency that might be able to help.
- Call the ACLU AIDS Project in New York at (212) 549-2627. The folks there will try to help you.

If you really aren't sure if you have rights, MAKE SURE. CALL. And don't put it off. All these laws have deadlines. Waiting too long can take away your rights.

CONTACT US:



American Civil Liberties Union

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HIV & Your Civil Rights

 Know Your
Parenting Rights

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PEOPLE WITH HIV RAISE KIDS, AND HAVE A RIGHT TO DO SO FREE FROM DISCRIMINATION. THIS GUIDE SHOULD HELP YOU FIGURE OUT YOUR RIGHTS IN CHILD CUSTODY DISPUTES, AND IN BECOMING A PARENT. IT AIMS TO ANSWER THESE QUESTIONS:

- **When can my HIV status, or that of my partner, be used against me in a child custody or visitation case?**
- **Can my ex make me take an HIV test as part of a custody dispute?**
- **What are my rights if I'm HIV positive and want to become a foster or adoptive parent?**
- **I'm HIV positive and want to have a baby with my spouse or partner—can I?**

SOME OF THE ANSWERS TO THESE QUESTIONS ARE “PROBABLY NOT” OR “MAYBE.” AT THE VERY END, THIS GUIDE EXPLAINS HOW YOU CAN FIND MORE DEFINITE ANSWERS TO YOUR QUESTIONS AND GET MORE HELP.

Custody and visitation:

- **Can my HIV status be used against me in a child custody or visitation case?**

Generally, no. National law protects people with HIV or AIDS from discrimination, including in court proceedings. Because HIV can't be transmitted through normal household contact, it shouldn't be a reason for deciding who gets custody of a child. Having HIV could only matter if you're really sick, to the point where it would be hard for you to care for your child.

- **Can my ex make me take an HIV test as part of a custody dispute?**

Probably not. Unless there's some good reason why your HIV status matters, you should have the right to decide whether to get tested.

- **My new partner is HIV positive—can my ex seek custody or restrict contact between my partner and the kids?**

Generally, no. National law says that you can't be discriminated against because your partner or another family member has HIV. Just as your own HIV status shouldn't matter, that of your partner shouldn't either.

- **What should I do if my HIV status comes up in a child custody or visitation dispute?**

First, contact your nearest AIDS service organization. They may be able to find someone to help you. If you

need more help, contact the ACLU AIDS Project in New York or another legal organization that advocates for people with HIV and AIDS. Folks there can provide you or your lawyer with resources to help. You can reach us at (212) 549-2627, or lgbthiv@aclu.org. But don't put it off. Waiting too long can take away your rights.

Foster parenting and adoption:

- **I'm HIV positive and want to become a foster or adoptive parent—can I?**

Generally, yes. On its own, having HIV isn't a reason to deny anyone a license to be a foster parent, or to stop you from adopting. But if your health is compromised because of HIV or any other reason, to the point where you won't be able to adequately care for a child, you probably won't be able to be licensed as a foster parent, and you might not be able to adopt.

- **Do I have to disclose my HIV status if I want to be a foster parent or adopt a child?**

Maybe. Because agencies responsible for placing foster children need to be sure that a foster or adoptive family is healthy enough to care for a child, you will be asked to fill out forms, including your medical history, and may be asked to have a medical evaluation. Those forms may ask about medical conditions or medications you take. It's best to be truthful in answering, but because HIV is different for everyone, if you do disclose your status, you also should say whether HIV impairs your ability to do

the kinds of day-to-day life activities involved with caring for a child.

- **What should I do if I think I'm being discriminated against because of HIV in my foster or adoption application?**

First, try to stay calm in your response. If you don't, you could give the agency a reason to refuse to work with you. If you need help, contact the ACLU AIDS Project or another legal organization that advocates for people with HIV and AIDS. You can reach us at (212) 549-2627, or lgbthiv@aclu.org.

Reproduction and pregnancy:

- **I'm HIV positive and want to have a baby with my spouse or partner—can I?**

Yes. Whether or not to have a child is your choice. No one—including your doctor or public health officials—should pressure you not to, if it's what you want. Women with HIV who are or want to become pregnant should seek prenatal care. With medication and prenatal care, the risk of transmitting HIV to a child is greatly reduced. Men with HIV who want to have a child with a woman who doesn't have HIV should also seek medical advice. There are ways to become pregnant that reduce the risk of transmission of the virus.